

THE HONORABLE ROBERT S. LASNIK

04-CV-01654-ORD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PACIFIC SOUND RESOURCES, a Washington
non-profit corporation; and THE PORT OF
SEATTLE, a Washington municipal corporation;

Plaintiffs,

v.

THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY COMPANY, a Delaware
corporation; J.H. BAXTER & CO., a California
limited partnership; J.H. BAXTER & CO., a
California corporation; and J.H. BAXTER & CO.,
INC., a California corporation.

Defendants.

No. C04-1654L

**STIPULATION AND ORDER OF
DISMISSAL OF ALL CLAIMS WITH
PREJUDICE**

[Clerk's Action Required]

STIPULATION

The only remaining plaintiff, Pacific Sound Resources, and the only remaining defendant, BNSF Railway Company, have resolved all claims asserted in this action between them. Such agreement has been reduced to writing and signed by each party. The terms of that agreement having now been fully complied with, dismissal of this action is now appropriate.

IT IS HEREBY STIPULATED that the above-entitled action be dismissed with prejudice and without an award of costs or attorneys' fees to either party.

1 Dated: March 9, 2009.

2 s/ Gillis E. Reavis
3 WSBA No. 21451
4 FOSTER PEPPER PLLC
5 1111 Third Avenue, Suite 3400
6 Seattle, WA 98101
Telephone: (206) 447-7295
Fax: (206) 749-2160
E-mail: reavg@foster.com

7 s/ Stephen J. Tan
8 WSBA No. 22756
9 Rodney L. Brown, Jr., WSBA No. 13089
10 Tanya Barnett, WSBA No. 17491
11 CASCADIA LAW GROUP PLLC
12 1201 Third Avenue, Suite 320
13 Seattle, WA 98101
Telephone: (206) 292-6300
Fax: (206) 292-6301
E-mail: rbrown@cascadialaw.com
stan@cascadialaw.com
tbarnett@cascadialaw.com
Attorneys for Plaintiff The Port of Seattle

14 s/ Thomas D. Adams
15 WSBA No. 18470
16 KARR TUTTLE CAMPBELL
17 1201 Third Avenue, Suite 2900
Seattle, WA 98101-3028
Telephone: (206) 223-1313
Fax: (206) 682-7100
E-mail: tadams@karrtuttle.com

18 s/ John F. Barg
19 (Pro Hac Vice)
20 Marc A. Zeppetello (Pro Hac Vice)
21 BARG COFFIN LEWIS & TRAPP, LLP
22 350 California Street, 22nd Floor
23 San Francisco, CA 94104-1435
Telephone: (415) 228-5400
Fax: (415) 228-5450
E-mail: jfb@bcltlaw.com
maz@bcltlaw.com
Attorneys for Defendant BNSF Railway Company

ORDER

Based on the above stipulation of the parties, it is hereby ORDERED:

That the claims asserted by plaintiff Pacific Sound Resources and defendant BNSF Railway Company in the captioned matter have been fully settled and compromised, and that such claims shall be and are hereby dismissed with prejudice and without an award of attorneys' fees or costs to either party. This stipulation resolves all remaining issues in this case, which is dismissed in its entirety.

Dated this 10th day of March, 2009.



ROBERT S. LASNIK,
United States District Judge

Presented By:

s/ Gillis E. Reavis
WSBA No. 21451
FOSTER PEPPER PLLC
1111 Third Avenue, Suite 3400
Seattle, WA 98101
Telephone: (206) 447-7295
Fax: (206) 749-2160
E-mail: reavg@fooster.com
Attorneys for Plaintiff The Port of Seattle

s/ Stephen J. Tan
WSBA No. 22756
Rodney L. Brown, Jr., WSBA No. 13089
Tanya Barnett, WSBA No. 17491
CASCADIA LAW GROUP PLLC
1201 Third Avenue, Suite 320
Seattle, WA 98101
Telephone: (206) 292-6300
Fax: (206) 292-6301
E-mail: rbrown@cascadialaw.com
stan@cascadialaw.com
tbarnett@cascadialaw.com
Attorneys for Plaintiff The Port of Seattle

1 Approved as to Form and Notice of Presentation Waived:

2 s/ Thomas D. Adams

3 WSBA No. 18470

4 KARR TUTTLE CAMPBELL

5 1201 Third Avenue, Suite 2900

6 Seattle, WA 98101-3028

7 Telephone: (206) 223-1313

8 Fax: (206) 682-7100

9 E-mail: tadams@karrtuttle.com

10 Attorneys for Defendant BNSF Railway
11 Company

12 s/ John F. Barg

13 (Pro Hac Vice)

14 Marc A. Zeppetello (Pro Hac Vice)

15 BARG COFFIN LEWIS & TRAPP, LLP

16 350 California Street, 22nd Floor

17 San Francisco, CA 94104-1435

18 Telephone: (415) 228-5400

19 Fax: (415) 228-5450

20 E-mail: jfb@bcitlaw.com

21 maz@bcitlaw.com

22 Attorneys for Defendant BNSF Railway
23 Company